

UNITED STATES DISTRICT COURT  
Eastern District of Virginia  
Alexandria Division

UNITED STATES OF AMERICA

v.  
MARVIN MENJIVAR GUTIERREZ  
aka "Astuto"

) JUDGMENT IN A CRIMINAL CASE  
)  
)  
Case Number: 1:21cr00260-002  
)  
USM Number: 82311-509  
)  
Mark Petrovich, Esquire and Manuel Leiva, Esquire  
Defendant's Attorney  
)  
)

The defendant was found guilty on Counts 1ss, 2ss, 3ss and 4ss of the Second Superseding Indictment after a plea of not guilty.

The defendant is adjudged guilty of:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 1962(d)	Conspiracy to Participate in a Racketeering Enterprise	10/2020	1ss
21 U.S.C. §§ 846 and 841(a)(1)	Conspiracy to Distribute Cocaine	10/2020	2ss
18 U.S.C. § 1959(a)(5)	Conspiracy to Commit Murder in Aid of Racketeering	6/2019	3ss
18 U.S.C. §§ 1959(a)(1) and 2	Murder in Aid of Racketeering Activity	6/22/2019	4ss

The defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Counts 5ss of the Second Superseding Indictment and Counts 1s and Count 2s of the First Superseding Indictment are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the Court and United States Attorney of material changes in economic circumstances.

June 4, 2024  
Date of Imposition of Judgment

Leonie M. Brinkema  
United States District Judge

June 4, 2024  
Date

Case Number: 1:21cr00260-002  
Defendant's Name: Menjivar Gutierrez, Marvin

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of LIFE on Counts 1ss and 4ss and a term of TEN (10) YEARS on Counts 2ss and 3ss, all to run concurrently with each other with credit for time served starting on 10/8/2020, when he was detained in Prince William County on directly related state charges.

The Court makes the following recommendations to the Bureau of Prisons:

1. The defendant be incarcerated in FCI Lewisburg.

The defendant is remanded to the custody of the United States Marshal.

## RETURN

I have executed this judgment as follows: \_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

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Defendant's Name: Menjivar Gutierrez, Marvin

## SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of FIVE (5) YEARS. This term consists of FIVE (5) YEARS on Count 1ss, 2ss, and 4ss, and THREE (3) YEARS as to Count 3ss, to run concurrently with each other.

## MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.  
 The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4.  You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5.  You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6.  You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7.  You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

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Defendant's Name: Menjivar Gutierrez, Marvin

## STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: [www.uscourts.gov](http://www.uscourts.gov)

Defendant's Signature \_\_\_\_\_ Date \_\_\_\_\_

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Defendant's Name: Menjivar Gutierrez, Marvin

## SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not have any contact with any known gang member(s).
2. As a conditions of supervised release, upon completion of his term of imprisonment, the defendant is to be surrendered to a duly-authorized immigration official of the Department of Homeland Security United States Immigration and Customs Enforcement for a deportation review in accordance with established procedures provided by the Immigration and Nationality Act, 8 U.S.C. 1101 et seq. As further condition of supervised release, if ordered deported, the defendant shall remain outside the United States.

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## CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

TOTALS	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>
	\$ 400.00	\$ 8,000.00	\$ 0.00

- The defendant must make restitution in the amount of \$8,000.00 pursuant to the Restitution Order entered by the Court on June 4, 2024.
- The Court determined that the defendant does not have the ability to pay interest and it is ordered that:
  - the interest requirement is waived for the  fine  restitution.
  - the interest requirement for the  fine  restitution is modified as follows:

**Payments of Restitution are to be made payable to the Clerk, United States District Court, Eastern District of Virginia.**

## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A**  Lump sum payment of \$400.00 due immediately.
- D**  Restitution payments in equal monthly installments of \$100.00 or 25% of net income, whichever is greater, to commence 60 days after release from imprisonment to a term of supervision.

Unless the Court has expressly ordered otherwise, if this Judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk of the Court.

Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
Cristian Ariel Arevalo Arias 1:21cr260-05	\$8,000.00	\$8,000.00	
Carlos Jose Turcios Villatoro 1:21cr260-06			

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.